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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 U.S. BANK NATIONAL ASSOCIATION,
7 AS TRUSTEE, SUCCESSOR-IN-
8 INTEREST TO WACHOVIA BANK
9 NATIONAL ASSOCIATION, AS
10 TRUSTEE FOR GSAA HOME EQUITY
11 TRUST 2005-11, ASSETBACKED
12 CERTIFICATES, SERIES 2005-11,

13 Plaintiff,

14 v.

15 THUNDER PROPERTIES, INC.;
16 WOODLAND VILLAGE HOMEOWNERS
17 ASSOCIATION; and HAMPTON &
18 HAMPTON COLLECTIONS, LLC,

19 Defendants.

Case No. 3:17-cv-00106-MMD-WGC

ORDER

20 The Court held a hearing regarding Plaintiff U.S. Bank National Association, as
21 Trustee, successor-in-interest to Wachovia Bank National Association, as Trustee for
22 GSAA Home Equity Trust 2005-11, Asset-Backed Certificates, Series 2005-11's
23 ("Plaintiff") renewed motion for summary judgment on February 4, 2020 ("Hearing") (ECF
24 Nos. 54, 55 (corrected image)).

25 For the reasons stated on the record at the Hearing, the Court finds and declares
26 that the homeowners' foreclosure sale ("HOA Sale") of the property located at 17270 Posy
27 Lake Court, Reno, NV 89508 ("Property"), held on February 26, 2014, did not extinguish
28 the deed of trust ("DOT") that encumbered the Property. The Court chiefly finds that it is
undisputed that Plaintiff was the beneficiary of record of the DOT at the time the Second
Notice of Default was issued, but Defendant Woodland Village Homeowners' Association

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1 ("HOA") never sent that notice to Plaintiff.^{1, 2} The HOA Sale is therefore invalid as to the
2 DOT because Plaintiff was entitled to notice under NRS § 116.31168.

3 It is therefore that Plaintiff's renewed motion for summary judgment (ECF Nos. 54,
4 55 (corrected image)) is granted. The Court declares that the HOA Sale did not extinguish
5 Plaintiff's DOT because the HOA Sale is void as to the superpriority portion of the HOA's
6 lien for failure to mail statutorily required notice to Plaintiff.

7 It is further ordered that Plaintiff's remaining claims—claims two through four—are
8 dismissed as moot.

9 The Clerk of the Court will enter judgment accordingly and close this case.

10 DATED THIS 21st day of February 2020.

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13 MIRANDA M. DU
14 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹The Court finds that the notice issue supersedes the tender issue and therefore
28 does not make any conclusions of law regarding tender in this action.

²The HOA also failed to send the Notice of Trustee's Sale to Plaintiff.